

Waste Management in Ontario



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Environment Conservation in Ontario

Department of Energy and Resources Management

Hon. George A. Kerr, O.C., Minister

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WASTE MANAGEMENT IN ONTARIO

Ontario's Waste Management Act has provided the province with the most comprehensive waste management and disposal legislation in Canada.

Effective September 1, 1970, it gave the government complete control over all solid and liquid wastes which must be hauled away for disposal. Of principal concern are:

- domestic and commercial refuse
- industrial and institutional wastes, both hazardous and non-hazardous
- incinerator residues.

The scope of the Act includes control and regulation of both collection and transportation systems (municipal and private) and disposal sites (dumps, landfill areas and incinerators).

Exempted from the Act are sewage, agricultural wastes, dead animals and radioactive wastes. Temporarily exempted are abandoned automobiles and litter. (These wastes do become subject to the Act, however, if they are brought to a disposal site covered by its provisions.)

Waste Management Branch

Enforcement of the Act is the responsibility of the Waste Management Branch of the Department of Energy and Resources Management. The Branch was first formed in 1966 within the Department of Health, where it was a section of the Public Health Engineering Service. It was moved to Energy and Resources Management in 1969 as part of a program to place all pollution control agencies within one department. Also reporting to the same Minister are the Air Management Branch with regard to air pollution control and the Ontario Water Resources Commission with regard to water pollution control.

Under the Act, the Waste Management Branch has broad powers allowing it to:

- establish standards in the field of waste management and disposal
- inspect and enforce regulations governing collection, transportation, treatment and disposal
- initiate legal action for violation of either a regulation or a Minister's Order that can be issued to improve a waste management system or waste disposal site not in conformity with the Act or its regulations.

The Branch also serves as the clearing house for waste problems concerning other agencies:

- the Air Management Branch when air pollution may result from the burning of wastes
- the Ontario Water Resources Commission when water pollution may result from disposal of wastes in or near water
- the Conservation Authorities Branch, also within the Department of Energy and Resources Management, with respect to waste deposited below the flood level of water-course systems
- the Department of Agriculture and Food regarding disposal of agricultural wastes and dead animals
- the Department of Mines and Northern Affairs with respect to disposal of mining residues
- the Department of Health with respect to private septic tank systems
- the Department of Municipal Affairs with respect to political boundaries and land usage
- the Department of Lands and Forests with respect to land usage on Crown Lands.

Definitions Under The Act and its Regulation

A waste disposal site is any land or structure where waste is deposited or processed, either for treatment or disposal. There are certain exemptions from the Act and Regulation. These include the storage and disposal of a householder's own domestic wastes on his own property provided that no nuisance is created, facilities governed by the Ontario Water Resources Commission Act and regulations, on-site incinerators, and on-site garbage grinders.

A waste management system is essentially a complete system for collecting, transporting, processing and disposing wastes. Exceptions are works which come under the jurisdiction of the Ontario Water Resources Commission Act and regulations, individual collection systems, and marine-craft waste disposal systems.

Basic Provisions of the Act and Regulation

Permission to operate a waste management system or disposal site under the Act is granted through the issuing of a Certificate of Approval. The construction of new or the alteration of old facilities cannot be undertaken without one. Sites and systems which existed before September 1, 1970 are illegal after March 1, 1971 if Certificates have not been received by that date. If lands or facilities are used for waste management purposes without a Certificate, the Minister may order the wastes to be removed and the site restored to a satisfactory condition.

The Minister may refuse to issue a Certificate of Approval for a waste disposal site or a waste management system. If a Certificate of Approval is refused, the applicant can appeal to the Waste Management Advisory Board. The Board will hear arguments for the applicant, assess the recommendation of the Branch, and report its decision to the Minister.

Non-municipal applicants for Certificates of Approval must first obtain a certificate from the municipality in which the site is to be located indicating that the site does not contravene any of the municipality's by-laws.

Sections of the Act allow for the continued regulation of waste management systems and disposal sites. If it is determined, for example, that a facility is no longer in conformity with the Act or its regulations, the Minister may order the owner to correct the situation.

Changes might include upgrading the standard of operation, expansion of a system, and even introduction of a waste management system if one does not exist and such a service is deemed to be necessary in the public interest. If the owner does not comply, the Minister has the right to have the necessary work done and charge him with the costs incurred. Appeal of a Minister's Order can again be made to the Waste Management Advisory Board.

The standard of operation necessary for a waste disposal site varies depending upon location, population served, surrounding development and numerous other factors. When the Act came into effect, it was estimated that only 20 per cent of all disposal sites in the province met full regulation requirements. The remainder were below standard in varying degree. The bottom 20 per cent were completely unacceptable and entirely new sites were to be found to replace them.

Waste disposal sites may not be used for any other purpose for 25 years after they have ceased to function as such without special permission from the Minister.

Effect Upon Municipalities

Considerable upgrading of facilities (particularly disposal) is required by many communities in Ontario. Small municipalities are most affected. Those in remote areas especially have virtually non-existent disposal systems. For them the best approach is undoubtedly a regional one, by which resources can be combined to provide common disposal facilities. Most large cities in the province have adequate or nearly adequate systems that require only minor improvement.

Priorities

First priority under the Act has essentially been the upgrading of municipal and commercial solid waste disposal, and initial regulations have been directed towards that end. Additional regulations must now be drafted for liquid and hazardous wastes which presently constitute a serious disposal problem. Also under investigation are abandoned automobiles and litter. Both, however, will require considerable study and development work before legislation can be passed to incorporate them.



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